

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSHUA MOSHA HARDING,	:	
Plaintiff	:	No. 1:14-cv-00473
	:	
v.	:	(Judge Kane)
	:	
JAMES PATRICK O'SHEA, III, <u>et al.</u>,	:	(Chief Magistrate Judge Carlson)
Defendants	:	

ORDER

On June 17, 2014, Plaintiff Joshua Mosha Harding filed an amended complaint pursuant to 42 U.S.C. § 1983, alleging that Defendants James Patrick O'Shea, III, Matthew Lynn Kile, John Doe (Commanding Officer of Adams County Drug Task Force), Pennsylvania State Police Department, Conewago Township Police Department, and Adams County, violated Plaintiff's constitutional rights when he was shot during an arrest. (Doc. No. 16-1 at 7.) Plaintiff seeks nominal, compensatory, and punitive damages of \$6,000,000, a jury trial on all triable issues, recovery for the costs of his suit, and any additional relief deemed just, proper, and appropriate under the circumstances. (Id. at 8.)

On June 18, 2014, Chief Magistrate Judge Carlson issued a Report and Recommendation, wherein he recommends that Plaintiff's amended complaint be dismissed with prejudice with respect to Defendant Pennsylvania State Police, because the Eleventh Amendment to the United States Constitution bars suits against the State Police. (Doc. No. 19 at 9-10.) Further, Magistrate Judge Carlson recommends that the Court strike Plaintiff's claim for a specific sum of unliquidated damages per Federal Rule of Civil Procedure 12(f) and Local Rule 8.1 for the Middle District of Pennsylvania, which prohibits claims for specified amounts of unliquidated

damages. (Id. at 10-11.) Timely objections to the Report and Recommendation were due July 7, 2014, and to date no party has filed objections. Having found no error in Magistrate Judge Carlson's analysis, the court will adopt the recommendations.

ACCORDINGLY, on this 10th day of July 2014, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Carlson's Report and Recommendation (Doc. No. 19) is **ADOPTED**;
2. Plaintiff's amended complaint (Doc. No. 16) is **DISMISSED WITH PREJUDICE** with respect to Defendant Pennsylvania State Police; and
3. Plaintiff's claim for a specific amount of unliquidated damages is **STRICKEN**; and

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania